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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/677,318

10/03/2003

Medhat A. Toukhy

2003US310

9492

26289

7590

08/01/2007

AZ ELECTRONIC MATERIALS USA CORP.  
ATTENTION: INDUSTRIAL PROPERTY DEPT.  
70 MEISTER AVENUE  
SOMERVILLE, NJ 08876

EXAMINER

SCHILLING, RICHARD L

ART UNIT

PAPER NUMBER

1752

MAIL DATE

DELIVERY MODE

08/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/677,318	Applicant(s) TOUKHY ET AL.	
	Examiner Richard L. Schilling	Art Unit 1752	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 16-46 is/are pending in the application.
- 4a) Of the above claim(s) 16-31 and 38-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 32-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-9 and 32-37 are rejected under the first paragraph of 35 USC 112 as being broader than the enabling disclosure for the same reasons as set forth in paragraph 4 of the final rejection filed 11-20-06. While the compositions of the instant claims may include other ingredients from those listed the instant claims also include compositions without the essential polymer binders and absorbers. The specification fails to disclose how to use and coat compositions as encompassed by the instant claims without polymers and absorbers.

2. Claims 1-9 and 32-37 are rejected under 35 U.S.C. 102(b) as being fully met by Hasegawa et al. or Sato et al. for the same reasons as set forth in paragraph 7 of the last office action filed 3-2-07.

3. Claims 1-9 and 32-37 are rejected under 35 U.S.C. 102(e) as being fully met by Nishimura et al. for the same reasons as set forth in paragraph 8 of the last office action.

4. Applicant's arguments filed 6-14-07 have been fully considered but they are not persuasive. Applicants' argument that the applied prior art is directed to photoresist compositions and not antireflection layers applied under photoresist layers is unconvincing since the intended use of the compositions of the instant claims does not materially distinguish them from the compositions of Sato et al., Hasegawa et al. or Nishimura et al. The compositions of Sato et al., Hasegawa et al. and Nishimura et al., being materially the same as those encompassed by the instant claims, would have the same properties. The applied prior art compositions contain bases as set in instant claim 1 as well as polymers and photoacids of instant claim 9. The photoresist

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compositions of the applied prior art absorb radiation to which they are sensitive and Sato et al discloses dye ingredients and Nishimura et al. discloses halation inhibitors. The bases of applied prior would be insoluble in some solvents. The instant claims do not specify particular solvents and the same bases would have the same solubility properties.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Richard L. Schilling at telephone number 571-272-1335.

RICHARD L. SCHILLING  
PRIMARY EXAMINER  
GROUP 4159 1752

